

REMARKS

This paper is intended as a full and complete response to the Office Communication dated December 23, 2005, having a statutory period for response set to expire on March 23, 2006.

~~Claims 1, 6, and 22 are Currently Amended in the Application.~~

Claims 5, 18, 19, and 21 are Cancelled in the Application.

Claims 1-4, 5-18, 20, and 22-32 are Pending in the Application.

I. Priority

The Office Action rejects Applicant's Application as a CIP of US Pat. No. 6,660,308. Applicant disagrees with this finding since Applicant believes that Applicant's Application repeats a substantial portion of US Pat. No. 6,660,308. Applicant believes Applicant's food bar is similar to US Pat. No. 6,660,308 yet only in a different form. Instead of a beverage, as found in US Pat. No. 6,660,308, Applicant's Application is a food bar that produces similar end results and incorporates many of the similar ingredients, except protein or fiber to make it into a solid form. Reconsideration of the given priority date is respectfully requested.

II. Rejection 35 USC § 103

The Office Action rejected Claims 1-6, 8, 11-12, 16-17, 21-24, 26, 27, 31, and 31 under 35 USC § 103(a) as being unpatentable over US Pat. Pub. No. 2003/0152642 *Stone* and US Pat. No. 6,149,939 *Stumor*.

Stone teaches a food supplement that uses fat as a coating material (*Stone* Paragraph [0041]). In *Stone*, fat is used as a coating material to provide flavoring such as "peanut flavored, fruit flavored, chocolate flavored, vanilla flavored, coconut flavored or flavored with other commercially available flavorings" (*Stone* Paragraph [0041]).

Applicant's food bar uses fat as a binder (Applicant's Application Claim 1). The

binder of fat in Applicant's food bar is used to hold together the mixture of other ingredients. *Stone* does not teach the use of a fat as a binder, instead fat is taught to be used as a coating material (*Stone* Paragraph [0041]).

Stone does not teach the use of a sulfur compound or a digestive enzyme. The sulfur compound methyl sulfonyl methane in Applicant's food bar aids in the digestion of glucosamine (Applicant's Application Claim 1). The digestive enzyme in Applicant's food bar is used to aid digestion (Applicant's Application Claim 1). The usage of the sulfur compound and the digestive enzyme are important to expedite the flow of glucosamine through the gut and quickly into the bloodstream (Applicant's Application Paragraph [0003]).

Stone additionally does not teach a method of ingesting a large convenient dosage of glucosamine to be taken in one daily dose that can be quickly absorbed into the bloodstream.

Applicant's food bar permits a large convenient dosage of glucosamine to bypasses the gut and eliminates the adverse reactions of the supplement's elemental ingredients as well as protects and buffers the lining of the stomach from the high dosages of the supplement's elemental ingredients (Applicant's Application Paragraph [0003]). A large convenient dosage of glucosamine would also buffer the glucose levels in the blood and significantly reduce or eliminate the possible adverse effects of the supplement's essential ingredients (Applicant's Application Paragraph [0003]). The ingestion of a large convenient dosage of glucosamine is aided in Applicant's food bar by the sulfur compound methyl sulfonyl methane and the digestive enzymes (Applicant's Application Claim 1).

Strumor teaches the use of emergency ration food tablets (*Strumor* Figure 1-6). Applicant believes that *Strumor* does not teach the missing elements in *Stone* of using fat as a binder or of using a sulfur compound and digestive enzymes to expedite the flow of glucosamine nor does *Strumor* teach a method of ingesting a large convenient dosage of glucosamine.

Claims 2-6, 8, 11-12, 16-17, 21-24, 26, 27, 31, and 31 depend upon independent Claim 1, and therefore include all the limitations thereof. Since Applicant believes that independent Claim 1 is patentably distinct from *Stone* and *Strumor*, Claims 2-6, 8, 11-12, 16-17, 21-24, 26, 27, 31, and 31 are patentably distinct from *Stone* and *Strumor* as well. Applicant

believes that no new subject matter has been added. Reconsideration of the rejection to the Claims in view of the remarks is respectfully requested.

The Office Action rejected Claims 18-20, 24, and 25 under 35 USC § 103(a) as ~~being unpatentable over US Pat. Pub. No. 2003/0152642 Stone and US Pat. No. 6,149,939 Strumor~~ in view of US Pat No. 6,632,449 *Niehoff*.

Niehoff teaches a beverage composition with at least a boron compound and 10% by weight of composition of water (*Niehoff* Column 2 lines 53-60 and Claim 1).

Applicant believes that *Niehoff* does not teach the missing elements in *Stone* of using fat as a binder or of using a sulfur compound and digestive enzymes to expedite the flow of glucosamine nor does *Niehoff* teach a method of ingesting a large convenient dosage of glucosamine.

Claims 18-20, 24, and 25 depend upon independent Claim 1, and therefore include all the limitations thereof. Since Applicant believes that independent Claim 1 is patentably distinct from *Stone* and *Strumor*, in view of *Niehoff*. Claims 18-20, 24, and 25 are patentably distinct from *Stone* and *Strumor* in view of *Niehoff* as well. Applicant believes that no new subject matter has been added. Reconsideration of the rejection to the Claims in view of the remarks is respectfully requested.

The Office Action rejected Claims 21 and 22 under 35 USC § 103(a) as being unpatentable over US Pat. Pub. No. 2003/0152642 *Stone* and US Pat. No. 6,149,939 *Strumor* in view of US Pat No. 5,840,715 *Florio*.

Florio teaches nutritional supplements and a dietary regimen of more than one supplement daily (*Florio* Column 1 lines 10-15, Column 7 lines 38-50).

Applicant believes that *Florio* does not teach the missing elements in *Stone* of using fat as a binder or of using a sulfur compound and digestive enzymes to expedite the flow of

glucosamine nor does *Florio* teach a method of ingesting a large convenient dosage of glucosamine.

Claims 21 and 22 depend upon independent Claim 1, and therefore include all the limitations thereof. Since Applicant believes that independent Claim 1 is patentably distinct from *Stone* and *Strumor*, in view of *Florio*. Claims 21 and 22 are patentably distinct from *Stone* and *Strumor* in view of *Florio* as well. Applicant believes that no new subject matter has been added. Reconsideration of the rejection to the Claims in view of the remarks is respectfully requested.

The Office Action rejected Claims 20 and 28 under 35 USC § 103(a) as being unpatentable over US Pat. Pub. No. 2003/0152642 *Stone* and US Pat. No. 6,149,939 *Strumor*. in view of US Pat No. 6,333,304 *Bath*.

Bath teaches a consumption of tablets of more than one supplement daily (*Bath* Column 7 lines 25-45).

Applicant believes that *Bath* does not teach the missing elements in *Stone* of using fat as a binder or of using a sulfur compound and digestive enzymes to expedite the flow of glucosamine nor does *Bath* teach a method of ingesting a large convenient dosage of glucosamine.

Claims 20 and 28 depend upon independent Claim 1, and therefore include all the limitations thereof. Since Applicant believes that independent Claim 1 is patentably distinct from *Stone* and *Strumor*, in view of *Bath*. Claims 20 and 28 are patentably distinct from *Stone* and *Strumor* in view of *Bath* as well. Applicant believes that no new subject matter has been added. Reconsideration of the rejection to the Claims in view of the remarks is respectfully requested.

The Office Action rejected Claim 28 under 35 USC § 103(a) as being unpatentable over US Pat. Pub. No. 2003/0152642 *Stone* and US Pat. No. 6,149,939 *Strumor* in view of US Pat No. 6,624,148 *Theoharides*.

Theoharides teaches a consumption of tablets (*Theoharides* Column 5 lines 43 – Column 6 lines 55).

Applicant believes that *Theoharides* does not teach the missing elements in *Stone* of using fat as a binder or of using a sulfur compound and digestive enzymes to expedite the flow of glucosamine nor does *Theoharides* teach a method of ingesting a large convenient dosage of glucosamine.

Claim 28 depend upon independent Claim 1, and therefore include all the limitations thereof. Since Applicant believes that independent Claim 1 is patentably distinct from *Stone* and *Strumor*, in view of *Theoharides*. Claim 28 is patentably distinct from *Stone* and *Strumor* in view of *Theoharides* as well. Applicant believes that no new subject matter has been added. Reconsideration of the rejection to the Claim in view of the remarks is respectfully requested.

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Applicant appreciates the examiners time and attention to this matter. Applicant believes no new matter has been added with any amendments that have been made. Reconsideration of this application is respectfully requested.

Respectfully submitted,

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March 23, 2006

Date

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